



RESOLUTION

AMENDING THE RULES OF THE COUNCIL RELATING TO RECONSIDERATION.

WHEREAS, under Council Rule 18 ("Reconsideration"), a measure may be committed or recommitted to one of the Council's committees, or Council action thereon may be postponed to a time certain, only to have the Council action undone at a later point in the meeting; and

WHEREAS, the reversal may occur after interested members of the public have left the meeting, thereby undermining the public's confidence in the integrity of the Council, and shielding the Council's decisions from public scrutiny and input; and

WHEREAS, the Council believes that this rule needs to be amended to provide a greater opportunity for the public to scrutinize Council actions and provide input to the Council on the measure; and

WHEREAS, Rule 18 also provides that in the case of a vote on a measure that results in neither the affirmative nor the negative receiving a majority vote (or, in the case of a measure requiring the affirmative vote of 2/3 of the Council, the measure fails to receive the requisite 2/3 affirmative vote), the measure shall be placed on the Council's agenda for filing at the next Council meeting; and

WHEREAS, where the lack of a majority vote was due to the absence of a Council member or members from a meeting, and one of the previously absent members wishes to have action taken on the measure prior to the next meeting, it appears unnecessary for the Council to have to wait until the next Council meeting to take such action, particularly if the measure is time sensitive; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu, that the Rules of the City Council be amended by amending Council Rule 18 to read as follows:

"RULE NO. 18

RECONSIDERATION

- A. When a motion has been decided in the affirmative or negative, any councilmember voting with the prevailing side may move for a reconsideration of the vote on the motion, and such motion shall take precedence over all other questions except a motion to adjourn. Except as to reconsideration of those motions described in [paragraph] paragraphs B and D, the motion to reconsider a vote on a motion and the reconsideration of that motion shall not be in order



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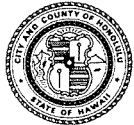
unless made at the same meeting as the vote to be reconsidered, and the vote on the motion to reconsider and on the reconsideration shall be taken at the same meeting as the vote to be reconsidered. Having once been made and decided, a motion to reconsider a vote shall not be renewed:

- B. In the case of a bill which fails to pass on third and final reading[,] because a majority of the council voted in the negative on its passage, and a motion is made to reconsider the vote taken on the third reading of the bill and the motion is seconded, the vote on the motion to reconsider shall not be taken until the expiration of at least 24 hours, as required by Section 3-202.4, RCH. Unless the motion to reconsider is decided prior to the next regular meeting of the council, the bill shall be placed on the agenda as the first order of business for the next regular meeting, and the vote on the motion to reconsider and the vote on the reconsideration shall be taken at that meeting. Until the motion to reconsider has been decided, the bill shall remain in the possession of the council and the clerk shall not transmit, file or otherwise dispose of the bill, unless the bill is deemed filed pursuant to ordinance or the time for passage of the bill has expired by operation of law. If the motion to reconsider fails, the vote on the bill previously taken shall become final and the clerk shall so note in the journal.
- C. If neither the affirmative nor the negative receives a majority vote of the entire membership[,] on a motion, or in the case of a motion for which a vote of two-thirds of the entire membership of the council is required for adoption, the requisite two-thirds vote is not received, the motion fails [and].

If:

- (1) The motion that fails is one to pass a bill on third reading; or
- (2) The motion that fails is one to pass a bill on any other reading or to adopt a resolution ("main motion"), any member who was absent at the time of the vote on the main motion may move to reconsider it at that meeting, and if no motion to reconsider the main motion is approved at that meeting, or if again neither the affirmative nor the negative receives a majority vote of the entire membership of the council (or in the case of a measure for which a vote of two-thirds of the entire membership of the council is required, the requisite two-thirds vote is not received) on the main motion;

the matter shall be placed on the agenda for filing at the next meeting; provided that any councilmember may move for reconsideration at the next meeting.



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If at the next meeting, a motion to file fails, and the matter is not otherwise disposed of by motion, the matter shall not be placed on the agenda for any subsequent meeting of the council except upon the written request of a majority of the members of the council.

D. Final action on a measure up for third reading or adoption that has:

(1) Been committed or recommitted to committee; or

(2) Had action thereon postponed to a certain time;

shall not be taken until the expiration of at least 24 hours after the approval of the motion to commit, recommit or postpone.

and

BE IT FURTHER RESOLVED that in the foregoing "be it resolved" clause, rule language to be deleted is bracketed and new rule language to be added is underscored;
and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 11-15

RESOLUTION

BE IT FINALLY RESOLVED that the amendment to the Council Rules effected by this resolution shall take effect upon its approval.

INTRODUCED BY:

Am Kobayashi

DATE OF INTRODUCTION:

JAN 25 2011

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 11-15

Introduced: 01/25/11 By: ANN KOBAYASHI

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION AMENDING THE RULES OF THE COUNCIL RELATING TO RECONSIDERATION.

Links: RES11-15
CR-30

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

EXECUTIVE MATTERS AND LEGAL AFFAIRS	02/07/11	CR-30 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
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COUNCIL	02/23/11	CR-30 AND RESOLUTION 11-15 WERE ADOPTED.
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ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER